

**UNITED STATES OF AMERICA
BEFORE THE NATIONAL LABOR RELATIONS BOARD**

KNIGHT PROTECTIVE SERVICE, INC.^{1/}

Employer

and

NATIONAL ASSOCIATION OF SPECIAL POLICE
AND SECURITY OFFICERS

Petitioner

Case 5-RC-14964

DECISION AND ORDER

Upon a petition duly filed under Section 9(c) of the National Labor Relations Act, as amended, a hearing was held before a hearing officer of the National Labor Relations Board.

Pursuant to the provisions of Section 3(b) of the Act, the Board has delegated its authority in this proceeding to the undersigned.

Upon the entire record in this proceeding, the undersigned finds:

1. The hearing officer's rulings made at the hearing are free from prejudicial error and are hereby affirmed.
2. The Employer is engaged in commerce within the meaning of the Act and it will effectuate the purposes of the Act to assert jurisdiction herein.
3. The labor organization involved claims to represent certain employees of the Employer.
4. No question affecting commerce exists concerning the representation of certain employees of the Employer within the meaning of Section 9(c)(1) and Section 2(6) (7) of the Act for the following reasons:^{2/}

SEE ATTACHED

ORDER

IT IS HEREBY ORDERED that the petition filed herein be, and it hereby is dismissed.

RIGHT TO REQUEST REVIEW

Under the provisions of Section 102.67 of the Board's Rules and Regulations, a request for review of this Decision may be filed with the National Labor Relations Board, addressed to the Executive Secretary, 1099 14th Street, NW, Washington, D.C. 20570. This request must be received by the Board in Washington by **March 16, 2000**.

Dated March 2, 2000

at Baltimore, Maryland

/s/ LOUIS J. D'AMICO
Regional Director, Region 5



1/ Name appears as amended at the hearing

2/ The petition in this case was filed on February 3, 2000, by Caleb A. Gray-Burris, President, on behalf of the National Association of Special Police and Security Officers. Notice of Representation Hearing dated February 3, 2000, setting the hearing for February 14, 2000, was served on the parties. The parties were served both by facsimile and regular mail an Order dated February 10, 2000, rescheduling the hearing from February 14, 2000 to February 22, 2000 at 9:00 am. During the week of February 14, the Hearing Officer in this case had three conversations with Mr. Burris regarding this petition and Mr. Burris was aware that the hearing had been rescheduled for February 22. On February 18, 2000, the Hearing Officer called attorney Bruce Goodman, who has represented Petitioner on other matters, regarding this petition. Mr. Goodman informed the Hearing Officer that he would not make an appearance at the hearing, but that Mr. Burris would be in attendance. At 9:15 am on February 22, the Hearing Officer called Mr. Burris at the telephone number on the petition, which is the same number he used to contact Mr. Burris the prior week, and left a message on the voice mail. Mr. Burris neither returned that call nor appeared at the hearing, which closed at 9:56 am.

The Petitioner petitioned for the following unit:

All full time and regular part-time security officers employed by the Employer at the FEMA buildings located at 501 C Street, SW, Washington DC and in Hyattsville, Maryland, including all sergeants.

There are approximately 50 employees in the petitioned-for unit.

At the hearing the Employer took the position that the petitioned-for unit is not an appropriate unit. The Employer asserts that an appropriate unit is the individual sites, rather than a multi-location unit. The Employer also contends that the sergeants are supervisory employees and accordingly are excluded from an appropriate unit. The Petitioner did not make an appearance at the hearing. The record establishes that Petitioner had adequate notice of the hearing and was aware of the hearing date and nonetheless failed to appear at the hearing. In these circumstances dismissal of the petition is warranted.